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MEMO ENDORSED

BY HAND

Honorable Richard M. Berman
United States District Judge
United States Courthouse
500 Pearl Street, Room 650
New York, New York 10007-1581

*Include everything in your
opposition -- not separate
motion(s). Page limits*

April 10, 2008 *Opp'y.*

SO ORDERED:

Date: 4/10/08

Richard A. Berman

Richard M. Berman, U.S.D.J.

**Re: Diaz et al. v. Scores Holding Co., Inc. et al.
Case No. 07 Civ. 8718 (S.D.N.Y. Judge Berman)**

Dear Judge Berman:

We are the attorneys for the defendants in the above matter, and write in response to plaintiffs' counsel's letter to you dated April 9. We vigorously and strenuously object to the insinuation that our client has somehow intimidated the plaintiffs from attending their depositions. Rather, the facts are that Ms. Owimrin on her own contacted Mr. Osher and indicated that she did not want to pursue any claim against defendants and had so advised her counsel. Further, our clients have had no contact at all with Ms. Levin. Given the court's directive that Ms. Owimrin and Ms. Levin appear for depositions by April 7, and the fact that they have failed to do so, it is our intent to move to dismiss the complaint on behalf of Ms. Owimrin and Ms. Levin unless counsel withdraws it on their behalf prior to the date our motion is due, this Friday, April 11. We will also address, in our opposition to the motion for conditional certification, the impact their failure to appear has on the propriety of granting certification.

APR 10 2008

Respectfully,

Jerrold Goldberg

Jerrold Goldberg

cc: Justin M. Swartz, Esq.

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